

REMARKS

Claims 1-45 are pending. Claims 9-45 have been withdrawn as being directed to non-elected subject matter. Claims 1-8 stand rejected.

Claims 1, 4, 7, and 8 has been amended to clarify that the compositions comprise naturally occurring oils.

Rejection under 35 USC 112

Claims 1-8 have been rejected under 35 USC 112, second paragraph, for apparently referencing naturally occurring oils without including such oils as an element of claim 1. The claims have now been amended to recite naturally occurring oils as an element of the claims. Applicants now respectfully request withdrawal of this rejection.

Rejection under 35 USC 102

Claims 1-8 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent Application 2004/0062847 (Koike). Applicants respectfully traverse this rejection for the following reasons and those previously of record.

Koike has been summarized in previous submissions.

Applicants submit that the Koike reference fails to disclose each and every element as set forth in the claims. Specifically, Koike fails to disclose a lipid system comprising naturally occurring oils having a ratio of omega-6 fatty acids to alpha-linolenic acid (C18:3n-3) of from about 0.25:1 to about 3:1 and a ratio of omega-9 fatty acids to alpha-linolenic acid (C18:3n-3) of from about 0.4:1 to about 3:1.

Regarding claim 1, Koike fails to disclose any composition that comprises a lipid system comprising naturally occurring oils comprising alpha-linolenic acid (C18:3n-3), omega-6 fatty acids, and omega-9 fatty acids wherein the ratio of said omega-6 fatty acids to said alpha-linolenic acid (C18:3n-3) is from about 0.25:1 to about 3:1, and the ratio of said omega-9 fatty acids to said alpha-linolenic acid (C18:3n-3) is from about 0.4:1 to about 3:1.

In setting forth the above-rejection, the examiner points out that Applicants' *specification* suggests that the claimed oils are not intended to be limited to naturally occurring oils, that these oils *can be* derived from synthetic or purified oils. Applicants submit that the present claims have been properly amended and limited to lipids comprising naturally occurring oils, and that the present rejection is improper for reading other limitations, e.g., synthetic oils, from the specification into the claims.

Applicants amended their claims to recite naturally occurring oils to emphasize that the claimed invention is primarily about certain triglyceride oils, not the mono and diglyceride blends disclosed by Koike. It is well known that naturally occurring oils are predominantly triglycerides.

Applicants acknowledge that their specification references the use of synthetic oils as does Koike. A more accurate distinction between the two, however, is not the difference between synthetic and natural oils, but rather that the Koike invention is about mono and diglycerides whereas the present invention is directed to triglycerides.

Regarding claim 8, Koike also fails to disclose any composition comprising naturally occurring oils, wherein the naturally occurring oils include from 30 to 90% flaxseed oil, from 0 to 60% high oleic safflower oil, and from 0 to 10% corn oil, by weight of the naturally occurring oil.

In view of the foregoing, Applicants respectfully submit that this rejection is improper and should, therefore, be withdrawn.

Conclusion

Applicants respectfully request reconsideration of this application and allowance of claims 1-8.

Respectfully submitted,

By /William J. Winter/
Attorney for Applicant
Registration No. 36,060

Abbott Laboratories
Department 108140/S1
625 Cleveland Avenue
Columbus, OH 43215-1724
Phone (614) 624-5686